


Diane Dunn McKay

In re Application of LEONARD et al.	:	Customer No. 26817
	:	
Serial No. 10/706,792	:	Group Art Unit: 3763
	:	
Filed: November 12, 2003	:	Examiner: Not yet assigned
	:	
Title: INTELLIGENT MEDICAL DEVICE BARRIER	:	Confirmation No. 7187
	:	
	:	
	x	

PETITION PURSUANT TO 37 C.F.R. § 1.47

130.00 0P

On February 9, 2004, Applicant's attorney sent a Declaration and Power of Attorney Form, via First Class Mail, to the Chairman of ProUroCare, Inc., Maurice R. Taylor, a co-inventor in the present application. A copy of the letter dated February 9, 2004 is attached herewith as Exhibit A. On February 26, 2004, upon receipt of a Notice to File Missing Parts, Applicant's Attorney informed Mr. Taylor of receipt of the Notice and requested that the fully executed Declaration and Power of Attorney Form be returned for timely filing. A copy of the February 26, 2004 letter is attached herewith as Exhibit B.

On March 25, 2004, Carole Seaton, Assistant to Diane Dunn McKay, the Attorney of Record, sent a reminder via e-mail to Mr. Taylor. A copy of the e-mail of March 25, 2004 is attached herewith as Exhibit C. Also attached as Exhibit C is a copy of the confirmation receipt verifying that the e-mail was received and displayed on Mr. Taylor's computer.

On April 19, 2004, Applicant's Attorney faxed a reminder of the February 26, 2004 letter to Mr. Taylor. A copy of the facsimile confirmation of the April 19, 2004 reminder is attached herewith as Exhibit D.

On April 19, 2004, Maurice Taylor contacted Diane Dunn McKay and indicated that Todd Leonard was no longer an employee of ProUroCare, Inc. and that after several attempts, were attempts unable to contact Mr. Leonard for his execution of the Declaration and Power of Attorney Form. Accordingly, Applicant's attorney sent a letter, via Registered Mail – Return Receipt Requested, to Mr. Leonard, at the address of his last known residence. A copy of the letter of April 19, 2004 and a copy of the Certified Mail Receipt date stamped April 20, 2004, is attached herewith as Exhibit E.

Mr. Leonard acknowledged receipt of the April 19, 2004 letter by signing the return receipt postcard. Applicant is unable to ascertain the exact date on which Mr. Leonard received and signed for the April 19, 2004 letter, as the handwritten date on the acknowledgement postcard is unclear. However, Applicant submits that the postcard was received at the office of the undersigned attorney on April 29, 2004. A copy of the executed postcard is attached herewith as Exhibit F.

Applicant submits that several attempts have been made to contact Todd Leonard in order to obtain his signature on the Declaration and Power of Attorney Form. As Mr. Leonard has remained silent with regard to executing the Declaration and Power of Attorney Form and

providing a copy of same to either this attorney's office or to ProUroCare, Inc., it is our belief that Mr. Leonard refuses to execute the Declaration and Power of Attorney Form.

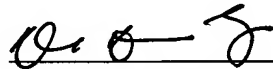
Applicant submits that the last known address of joint inventor, Todd E. Leonard is 11650 Timberline Road, Minnetonka, MN 55305.

Applicant respectfully requests that the Commissioner grant the Petition Pursuant to 37 C.F.R. § 1.47 as Applicant has made several attempts to contact Todd Leonard, who has refused to sign and return the Declaration and Power of Attorney.

Pursuant to 37 C.F.R. § 1.17(h), Applicants enclose herewith the requisite fee. Please credit any overpayments or charge any additional fees to Deposit Account No. 13-2165.

Respectfully submitted,

Dated: July 19, 2004



Diane Dunn McKay
Reg. No. 34,586
Attorney for Applicant

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.
100 Thanet Circle, Suite 306
Princeton, NJ 08540
Tel: 609 924 8555
Fax: 609 924 3036

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.

ATTORNEYS AT LAW
100 THANET CIRCLE, SUITE 306
PRINCETON, NEW JERSEY 08540-3874
(609) 924-8555
FACSIMILE: (609) 924-3038
WEB SITE: www.mathewslaw.com
E-MAIL: attorneys@mathewslaw.com

ROBERT G. SHEPHERD
DIANE DUNN McKAY
BROOKS R. BRUNEAU
PHILIP B. ABRAMOWITZ*
TODD A. DENYS
DAVID P. KRIVOSHIK
KRISTINE BUTLER-HOLSTON
PATRICK H. HIGGINS**
GREGORY HOUGHTON

BRUCE M. COLLINS, Counsel

PATENTS
TRADEMARKS
COPYRIGHTS
UNFAIR COMPETITION
LICENSING
COMPUTER AND HIGH
TECHNOLOGY MATTERS
RELATED LITIGATION

H. HUME MATHEWS (1911-1989)

*ADMITTED IN NEW YORK, NEVADA & FLORIDA
**ADMITTED IN PENNSYLVANIA & CALIFORNIA

February 9, 2004

Maurice Taylor
Chairman
ProUroCare, Inc.
One Carlson Parkway
Plymouth, MN 55447

RE: U.S. Patent Application No. 10/706,792
INTELLIGENT MEDICAL DEVICE BARRIER
Our Ref.: 4774-111US

Dear Maurice:

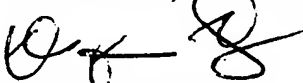
In anticipation of receipt of a Notice to File Missing Parts for the present application, we enclose herewith a Declaration and Power of Attorney for Patent Application. Please have each inventor sign and date the Declaration where indicated.

We also enclose herewith an Assignment document for execution by each inventor. Please be aware that the assignment should be executed in front of a notary and the Notarial Certification is to be completed. Kindly return the fully executed Declaration and Assignment to us for filing with the United States Patent and Trademark Office.

Thank you for your assistance in this matter. Please do not hesitate to contact me should you have any questions.

Very truly yours,

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.


Diane Dunn McKay

DDM/ar
Enclosure

MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.

ATTORNEYS AT LAW

100 THANET CIRCLE, SUITE 308
PRINCETON, NEW JERSEY 08540-3674
(609) 924-8555

FACSIMILE: (609) 924-3036

WEB SITE: www.mathewslaw.com

E-MAIL: attorneys@mathewslaw.com

BRUCE M. COLLINS, COUNSEL

PATENTS
TRADEMARKS
COPYRIGHTS
UNFAIR COMPETITION
LICENSING
COMPUTER AND HIGH
TECHNOLOGY MATTERS
RELATED LITIGATION

ROBERT G. SHEPHERD
DIANE DUNN MCKAY
BROOKS R. BRUNEAU
PHILIP B. ABRAMOWITZ*
TODD A. DENYS
DAVID P. KRIVOSHIK
KRISTINE BUTLER-HOLSTON
PATRICK H. HIGGINS**
GREGORY HOUGHTON

H. HUME MATHEWS (1911-1989)

*ADMITTED IN NEW YORK, NEVADA & FLORIDA

**ADMITTED IN PENNSYLVANIA & CALIFORNIA

February 26, 2004

Maurice Taylor
Chairman
PROUROCARE, INC.
One Carlson Parkway
Plymouth, MN 55447

RE: U.S. Patent Application No. 10/706,792
INTELLIGENT MEDICAL DEVICE BARRIER
Our Ref.: 4774-111US


Dear Maurice:

We have received a Notice to File Missing Parts. Please execute and the Declaration sent to you with our correspondence of February 11, 2004, and return it to us before March 23, 2004, so that we may reply to the Notice before the deadline of April 23, 2004. We note that an assignment to ProUroCare was filed in the corresponding provisional application. Accordingly, it is not necessary to file an assignment in this application.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact us.

Very truly yours,

MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.



DIANE DUNN MCKAY

DDM/ar
Enclosure

Carole Seaton

From: Carole Seaton [cseaton@mathewslaw.com]
Sent: Thursday, March 25, 2004 1:33 PM
To: 'Maurice Taylor (mtaylor@chdiagnostics.com)'
Subject: Intelligent Medical Device Barrier - Our File No. 4774-111 US
Importance: High
Follow Up Flag: Follow up
Flag Status: Flagged

Dear Maury:

Further to our letter of February 26, 2004, we are still awaiting receipt of the fully executed Declaration and Power of Attorney form for the above-referenced patent application. We must file the executed Declaration and Power of Attorney with the United States Patent and Trademark Office before April 23, 2004.

Should you have any questions, please do not hesitate to contact us.

Best regards,

Carole

Carole Seaton
Assistant to Diane Dunn McKay, Esq.
Mathews, Collins, Shepherd & McKay, P.A.
100 Thanet Circle, Suite 306
Princeton, NJ 08540
Tel: 609 924 8555
Fax: 609 924 3036
cseaton@mathewslaw.com

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the originator of the message. This footer also confirms that this email message has been scanned for the presence of computer viruses. Any views expressed in this message are those of the individual sender, except where the sender specifies and with authority, states them to be the views of Mathews, Collins, Shepherd & McKay, P.A.

3/25/2004

Carole Seaton

From: maury taylor [mtaylor22@qwest.net]
To: Carole Seaton
Sent: Friday, March 26, 2004 11:03 AM
Subject: Read: Intelligent Medical Device Barrier - Our File No. 4774-111 US

This is a receipt for the mail you sent to
"Maurice Taylor" <mtaylor@chdiagnostics.com> at 3/25/2004 12:32 PM

This receipt verifies that the message has been displayed on the recipient's computer at 3/26/2004 10:02 AM

 *** TX REPORT ***

TRANSMISSION OK

TX/RX NO 3503
 CONNECTION TEL 19524769340
 CONNECTION ID
 ST. TIME 04/19 13:57
 USAGE T 01'08
 PGS. SENT 4
 RESULT OK

04/19/2004

MATHEWS, COLLINS, SHEPHERD & McKAY, P.A.

ATTORNEYS AT LAW

100 THANET CIRCLE, SUITE 308
 PRINCETON, NEW JERSEY 08540-3874

(609) 924-8555

FACSIMILE: (609) 924-3036

WEB SITE: www.mathewslaw.com

E-MAIL: attorney@mathewslaw.com

BRUCE M. COLLINS, Counsel

ROBERT C. SHEPHERD
 DIANE DUNN McKAY
 BROOKS R. BRUNEAU
 PHILIP B. ABRAMOWITZ*
 TODD A. DENYS
 DAVID P. KRIVOSNIK
 KRISTINE BUTLER-HOLSTON
 PATRICK H. HIGGINS**
 GREGORY HOUGHTON

H. HUME MATHEWS (1911-1988)

*ADMITTED IN NEW YORK, NEVADA & FLORIDA

**ADMITTED IN PENNSYLVANIA & CALIFORNIA

PATENTS
 TRADEMARKS
 COPYRIGHTS
 UNFAIR COMPETITION
 LICENSING
 COMPUTER AND HIGH
 TECHNOLOGY MATTERS
 RELATED LITIGATION

February 26, 2004

Maurice Taylor
 Chairman
 PROUROCARE, INC.

One Carlson Parkway
 Plymouth, MN 55447

ROBERT C. SHEPHERD
 DIANE DUNN McKAY
 BROOKS R. BRUNEAU
 PHILIP B. ABRAMOWITZ*
 TODD A. DENYS
 DAVID P. KRIVOSNIK
 KRISTINE BUTLER-HOLSTON
 PATRICK H. HIGGINS**
 GREGORY HOUGHTON

H. HUME MATHEWS

*ADMITTED IN NEW YORK, NEVADA & FLORIDA

**ADMITTED IN PENNSYLVANIA & CALIFORNIA

RE: U.S. Patent Application No. 10/706,792
 INTELLIGENT MEDICAL DEVICE BARRIER
 Our Ref.: 4774-111US

REMINDER

Attn: Maurice Taylor Fax: 952 476 9340
 A Response is due by April 23, 2004.

Dear Maurice:

We have received a Notice to File Missing Parts. Please execute and the Declaration sent to you with our correspondence of February 11, 2004, and return it to us before March 23, 2004, so that we may reply to the Notice before the deadline of April 23, 2004. We note that an assignment to ProUroCare was filed in the corresponding provisional application. Accordingly, it is not necessary to file an assignment in this application.

MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.

ATTORNEYS AT LAW

100 THANET CIRCLE, SUITE 306
PRINCETON, NEW JERSEY 08540-3674

(609) 924-8555

FACSIMILE: (609) 924-3036

WEB SITE: www.mathewslaw.com

E-MAIL: attorneys@mathewslaw.com

ROBERT G. SHEPHERD
DIANE DUNN MCKAY
BROOKS R. BRUNEAU
PHILIP B. ABRAMOWITZ*
TODD A. DENYS
DAVID P. KRIVOSHIK
KRISTINE BUTLER-HOLSTON
PATRICK H. HIGGINS**
GREGORY HOUGHTON

BRUCE M. COLLINS, Counsel

PATENTS
TRADEMARKS
COPYRIGHTS
UNFAIR COMPETITION
LICENSING
COMPUTER AND HIGH
TECHNOLOGY MATTERS
RELATED LITIGATION

H. HUME MATHEWS (1911-1989)

* ADMITTED IN NEW YORK, NEVADA & FLORIDA

** ADMITTED IN PENNSYLVANIA & CALIFORNIA

February 26, 2004

Maurice Taylor
Chairman
PROUROCARE, INC.
One Carlson Parkway
Plymouth, MN 55447

REMINDER

Attn: Maurice Taylor Fax: 952 476 9340
A Response is due by April 23, 2004.

RE: U.S. Patent Application No. 10/706,792
INTELLIGENT MEDICAL DEVICE BARRIER
Our Ref.: 4774-111US

Dear Maurice:

We have received a Notice to File Missing Parts. Please execute and the Declaration sent to you with our correspondence of February 11, 2004, and return it to us before March 23, 2004, so that we may reply to the Notice before the deadline of April 23, 2004. We note that an assignment to ProUroCare was filed in the corresponding provisional application. Accordingly, it is not necessary to file an assignment in this application.

Thank you for your attention to this matter. Should you have any questions, please do not hesitate to contact us.

Very truly yours,

MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.



DIANE DUNN MCKAY

DDM/ar
Enclosure

MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.

ATTORNEYS AT LAW

100 THANET CIRCLE, SUITE 306
PRINCETON, NEW JERSEY 08540-3674
(609) 924-8555

FACSIMILE: (609) 924-3036

WEB SITE: www.mathewslaw.com

E-MAIL: attorneys@mathewslaw.com

BRUCE M. COLLINS, COUNSEL

ROBERT G. SHEPHERD
DIANE DUNN MCKAY
BROOKS R. BRUNEAU
PHILIP B. ABRAMOWITZ*
TODD A. DENYS
DAVID P. KRIVOSHIK
KRISTINE BUTLER-HOLSTON
PATRICK H. HIGGINS**
GREGORY HOUGHTON

RONALD GOULD, OF COUNSEL

H. HUME MATHEWS (1911-1989)

*ADMITTED IN NEW YORK, NEVADA & FLORIDA

**ADMITTED IN PENNSYLVANIA & CALIFORNIA

PATENTS
TRADEMARKS
COPYRIGHTS
UNFAIR COMPETITION
LICENSING
COMPUTER AND HIGH
TECHNOLOGY MATTERS
RELATED LITIGATION

April 19, 2004

VIA REGISTERED MAIL

Todd Leonard
11650 Timberline Road
Minnetonka, MN 55305

RE: U.S. Patent No. 10/706,792
INTELLIGENT MEDICAL DEVICE BARRIER
Our Ref. 4774-111 US
=====

Dear Todd:

We have now received a Notice to File Missing Parts in connection with the above-referenced U.S. patent application. Accordingly, we must submit an executed Declaration and Power of Attorney document in response to same.

Enclosed is a Declaration and Power of Attorney form. Please sign and date the form where indicated and return same to us for filing with the United States Patent and Trademark Office.

Should you have any questions, please do not hesitate to contact us.

Very truly yours,

MATHEWS, COLLINS, SHEPHERD & MCKAY, P.A.


DIANE DUNN MCKAY

DDM/cns
Enclosure

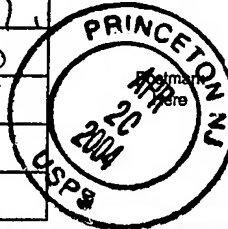
466T 0619 0000 01TE E002

U.S. Postal ServiceTM
CERTIFIED MAILTM RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

OFFICIAL USE

Postage	\$ 3.37
Certified Fee	7.50
Return Receipt Fee (Endorsement Required)	1.75
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$9.62



Sent To
Tadde Leonard
Street, Apt. No.,
or PO Box No. 11655 Timberline Road
City, State, ZIP+4
Minnetonka MN 55305

PS Form 3800, June 2002

See Reverse for Instructions

PLACE STICKER AT TOP OF ENVELOPE OR TO THE BACK OF THE MAILPIECE

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits.		<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>LEONARD</i> C. Date of Delivery <i>4/2/04</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
1. Article Addressed to: <i>Todd Leonard 11650 Timberline Rd. Timberlake, TN 38585</i>		3. Service Type <input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input checked="" type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.	
2. Article Number (Transfer from service label) 7003 3110 0000 6190 1394		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-0835

UNITED STATES POSTAL SERVICE



First-Class Mail
Postage & Fees Paid
USPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

Diane Dunn McKay, Esq.
Mathews, Collins, Shepherd & McKay, P.A.
100 Thanet Circle, Suite 306
Princeton, NJ 08540

APR 29 2004

